

Role of the VESTA Staff Rep

October 2020 SURT

Online group norms

Put questions
into chat.

Mute mic unless
speaking.

Camera on or off
is personal
preference.

People may need
to come and go
from the meeting.

Who is here?

Please change your profile name so that it shows your first and last names

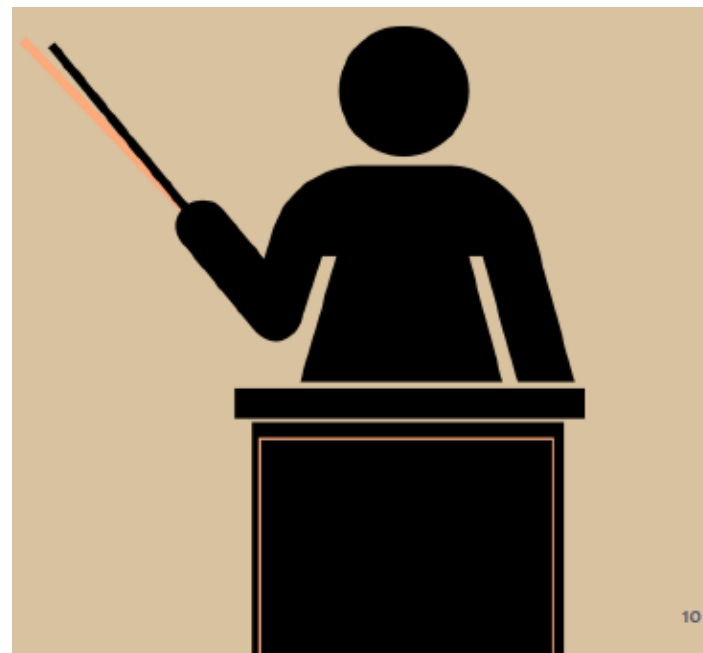
Please write in the chat box:

- Your name
- Your school
- One big concern or question you have about your role as Staff Rep



The Staff Representative is the peer of the principal in matters related to the interpretation and the application of the collective agreement in the school.

The collective agreement was not imposed by the union on the employer, but represents the mutually agreed-to terms and conditions of employment for teachers in the district.



Role of the Staff Representative

- ▶ Advocacy
- ▶ Communication
- ▶ Organize / Lead

“The union has a legal obligation to represent the members of the bargaining unit”

Labour Relations Code Part 2 Section 12

Advocacy

- ▶ be vigilant and learn about your rights in the Collective Agreement
- ▶ facilitate collective support through grievances and in meetings
- ▶ learn about BCTF and VESTA policy
- ▶ advocate without bias
- ▶ represent members in a variety of situations
- ▶ Ensure that BCTF Code of Ethics is upheld

Communication

- ▶ Attend General Meetings and Staff Rep Assemblies - bring information from meetings, emails and faxes to your staff
- ▶ support school based committee chairs
- ▶ post relevant information at the school re: BCTF and VESTA
- ▶ Hold regular union meetings
- ▶ Work with other School Union Reps
 - ▶ H&S, professional issues, Staff Committee Chair
 - ▶ Talk with reps from other school unions (IUOE / CUPE)

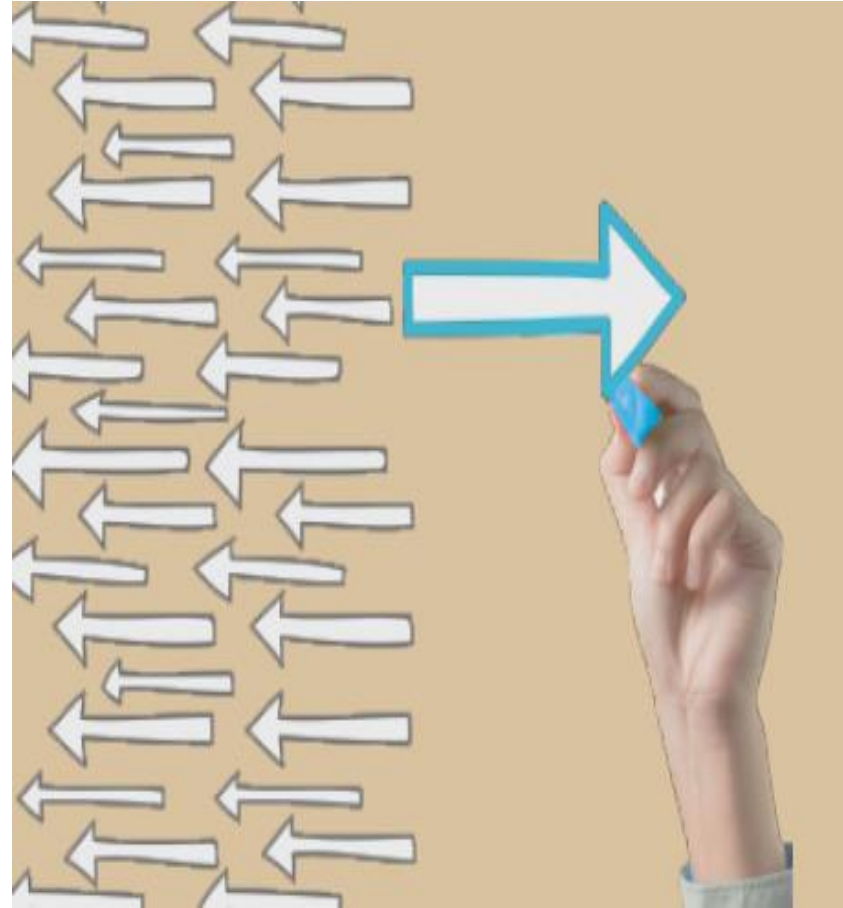
Organize / Lead

- ▶ hold regular VESTA meetings at your site to convey information and build solidarity
- ▶ discuss complex matters at VESTA meetings prior to taking a position to Staff Committee Meetings
- ▶ bring school issues to the SRA or the VESTA office
- ▶ ensure democratic processes (i.e. Staff Committee Meetings) are in place so members can participate fully
- ▶ increase school staff participation in VESTA efforts (i.e. bargaining)
- ▶ mentor new members and broaden awareness of union issues

Difficult Conversations

Sometimes you need to have a difficult conversation with a colleague or administrator.

- Use active listening skills
- Analyze the issues
- Frame a simple, clear argument
- Find common ground between teachers
- It's not personal



Scenario 1: meeting with a teacher

Katie, a colleague has been asked to meet with the principal after school and has asked you to come with her.

Katie: The principal wants to meet with me after school today. Can you come with me?

Staff rep: What's the meeting about?

Katie: I don't know.

Staff rep: Well, the first thing you have to do is find out what the meeting's going to be about.

Katie (later): She wants to meet with me about being late a couple times this month.

Staff rep: Okay, the first thing I'm going to ask her is if the meeting is going to be disciplinary. If it is, the meeting is over, and we leave. They can start an investigation process. If it's not, then let's see what she says and take it from there.

The second thing is that you have to trust me to be your conscience and support in the meeting. You might be tempted to explain yourself; if I think you're saying too much, I'm going to stop you and I'll be firm so please stop. We might step outside so I can give you advice on what or what not to say. I might even stop the meeting if it starts to look like an investigation meeting.

Preparing a member to meet with an administrator

- ▶ Ask questions and gather all relevant facts
- ▶ Consult the collective agreement
- ▶ Analyze issue - disciplinary or not
- ▶ Instruct member on how meeting will proceed
- ▶ Contact the VESTA office for support

Representing a member with an administrator

- ▶ Consult with member before the meeting to plan strategy
- ▶ Be a witness and take notes
- ▶ Allow the member to speak for themselves, or remain silent
- ▶ Intervene if the member may jeopardize their rights
- ▶ Remember advocacy is not the same as problem solving
- ▶ Build a paper trail
- ▶ Keep the local informed if things are not resolved
- ▶ Ask advice if you need it, or if you don't feel you can be an effective advocate

Note Taking

What to include

- ▶ Date
- ▶ Names
- ▶ Concern / issue / question

- ▶ Notes could be used in future investigations or grievances
- ▶ Ask admin to slow down or for clarification if necessary

What to write

- ▶ Objective vs subjective
- ▶ Descriptions of actions
- ▶ What was said

Principal (to you): I don't know why you're here. You don't need to be. This is just a simple matter between Katie and me.

Staff rep: Katie asked me to be here and under our Collective Agreement Article A.26, Katie has the right to have a union representative here and has chosen me to accompany her.

Principal: Katie, I've noticed that you've been late to school a few times this month and I'm wondering why and if there's something we can help you with

Katie: I know I've been late a couple times and this month has been really bad with the kids being sick and their daycare provider being sick and there were a few days that I just couldn't get here on time. Everyone is better now though so it won't happen again.

Principal: That's good to hear but it seems to me that you had a similar pattern last year and at a previous school you taught at. Is this a pattern that we need to do something about?

Katie: I know this sounds bad, but I have a reasonable explanation for being late. You see I'm having trouble with the kids in my class and.....

Staff rep: Katie, I want you to stop talking now.

(to the Administrator) We are going to end this meeting now because it sounds like you are digging deeper than just the few incidents of being late this month. I would suggest to you that if there are more questions, you should launch an official investigation process.



Our Collective Agreement is between:

The Vancouver Teachers' Federation
(VESTA and VSTA together)

and

The Vancouver School Board

Collective Agreement

- ▶ Organized by category of rights called "Articles"
- ▶ represented by letters, and contain sub-categories called "clauses", which are represented by numbers
- ▶ 1-19 = provincially negotiated, 20+ = locally negotiated
- ▶ Table of Contents at the start, Index at the end
- ▶ Outlines rights and sometimes processes
- ▶ K-12 contained in one agreement, Adult Ed has their own locally negotiated CA
- ▶ Appendices at the back ("Split of Issues")
- ▶ Letters of Understanding

There are many statutes and regulations that need to be "read into" the CA

- ▶ Employment Standards Act
- ▶ School Act
- ▶ Work safe Regulations
- ▶ Human Rights Code
- ▶ Provincial and Federal Labour Code
- ▶ Part of our rights

Negotiated rights are ALWAYS better

- ▶ Responsive to change
- ▶ We have a direct influence
- ▶ Examples:
- ▶ Maternity Leave provisions
- ▶ Harassment
- ▶ Health and Safety
- ▶ School Organization

Collective Agreement Scavenger Hunt!

find...

1. Professional Autonomy
2. TOC rights
3. Professional Development Committee
4. Maternity Leave
5. Salary Grids



Grievance Process

Article A6

A problem solving mechanism when there are disputes about the application or interpretation of the Collective Agreement- may be no adverse effect on a member for pursuing a grievance - working relationship with the Board respects this process as non-personal

- ▶ with prejudice / without prejudice
- ▶ the union owns the grievance
- ▶ doesn't get us rights we don't already have
- ▶ must be related to a Collective Agreement provisions or a statute
- ▶ are filed when the Employer fails to uphold a right (hire the most senior applicant for a position), recognize a right (decreasing FTE), or properly implement a right (weekly prep time)
- ▶ ignoring our rights can lose us our rights

Grievance Step 1

- ▶ "the local or an employee...shall request a meeting with the employer official directly responsible"
- ▶ Staff Representative accompaniment
- ▶ within 30 days
- ▶ an effort to solve the problem at the source
- ▶ find the relevant CA clauses
- ▶ take notes

Grievance Step 2

- ▶ if not resolved at Step 1, meet within 10 days
- ▶ presented ("filed") in writing giving the general nature of the grievance
- ▶ sometimes combined with Step 1
- ▶ includes fact finding / presenting the position of the union
- ▶ expectation that resolve is possible at this stage
- ▶ Board responds in writing to the allegations of the grievance

Grievance Step 3

- ▶ Joint Committee - 2 reps from Board and 2 reps from Union - Generally members of the Grievance Committee
- ▶ may include BCPSEA and BCTF if the grievance refers to a Provincial Matter
- ▶ Expectation that this is the last step before Arbitration - some pressure to resolve
- ▶ may adjourn and reconvene if both parties agree

Arbitration / Mediation

- ▶ goal: to determine a resolve that will fix the problem forever
- Binding
- ▶ arbitration (except for expedited) is run by lawyers based on a case put together by union and employer reps
- ▶ arguments include strength of CA clause, bargaining notes, past practice, and witnesses may be called
- ▶ single person (arbitrator) makes the decision
- ▶ arbitrator relies on the case made at the arbitration, but also on other arbitrations and labour law

The Grievance Process is ongoing - the nature of Collective Agreements is that interpretation changes with personnel and over time.

Our working conditions are changed by forces outside of our negotiations (i.e. Full Day K).

We use the Grievance Process to clarify, enrich, adapt, enforce and maintain our rights - this process never ends.

Support for Staff Reps

- ▶ VESTA meetings
- ▶ Staff Rep Assemblies
- ▶ Staff Committee Meetings
- ▶ In-House Table Officers
- ▶ VESTA Executive Committee
- ▶ School Union Rep Training (SURTS)
- ▶ Mentorship
- ▶ School Visits
- ▶ School Union Team